

Union Calendar No. 482

110TH CONGRESS
2D SESSION

H. R. 5170

[Report No. 110-755]

To amend the Homeland Security Act of 2002 to provide for a privacy official within each component of the Department of Homeland Security, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 29, 2008

Mr. CARNEY (for himself and Mr. THOMPSON of Mississippi) introduced the following bill; which was referred to the Committee on Homeland Security

JULY 10, 2008

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on January 29, 2008]

A BILL

To amend the Homeland Security Act of 2002 to provide for a privacy official within each component of the Department of Homeland Security, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Department of Home-*
 3 *land Security Component Privacy Officer Act of 2008”.*

4 **SEC. 2. ESTABLISHMENT OF PRIVACY OFFICIAL WITHIN**
 5 **EACH COMPONENT OF DEPARTMENT OF**
 6 **HOMELAND SECURITY.**

7 *(a) IN GENERAL.—Subtitle C of title II of the Home-*
 8 *land Security Act of 2002 (6 U.S.C. 141 et seq.) is amended*
 9 *by inserting after section 222 the following new section:*

10 **“SEC. 222A. PRIVACY OFFICIALS.**

11 *“(a) DESIGNATION.—*

12 *“(1) IN GENERAL.—For each component of the*
 13 *Department under paragraph (2), the Secretary shall,*
 14 *in consultation with the head of the component, des-*
 15 *ignate a full-time privacy official, who shall report*
 16 *directly to the senior official appointed under section*
 17 *222. Each such component privacy official shall have*
 18 *primary responsibility for its component in imple-*
 19 *menting the privacy policy for the Department estab-*
 20 *lished by the senior official appointed under section*
 21 *222.*

22 *“(2) COMPONENTS.—The components of the De-*
 23 *partment referred to in this subparagraph are as fol-*
 24 *lows:*

25 *“(A) The Transportation Security Adminis-*
 26 *tration.*

1 “(B) *The Bureau of Citizenship and Immi-*
2 *gration Services.*

3 “(C) *Customs and Border Protection.*

4 “(D) *Immigration and Customs Enforce-*
5 *ment.*

6 “(E) *The Federal Emergency Management*
7 *Agency.*

8 “(F) *The Coast Guard.*

9 “(G) *The Directorate of Science and Tech-*
10 *nology.*

11 “(H) *The Office of Intelligence and Anal-*
12 *ysis.*

13 “(I) *The Directorate for National Protection*
14 *and Programs.*

15 “(b) *RESPONSIBILITIES.—Each privacy official des-*
16 *ignated under subsection (a) shall report directly to both*
17 *the head of the official’s component and the senior official*
18 *appointed under section 222, and shall have the following*
19 *responsibilities with respect to the component:*

20 “(1) *Serve as such senior official’s main point of*
21 *contact at the component to implement the policies*
22 *and directives of such senior official in carrying out*
23 *section 222.*

24 “(2) *Advise the head of that component on pri-*
25 *vacv considerations when any law, regulation, pro-*

1 *gram, policy, procedure, or guideline is proposed, de-*
2 *veloped, or implemented.*

3 *“(3) Assure that the use of technologies by the*
4 *component sustain or enhance privacy protections re-*
5 *lating to the use, collection, and disclosure of personal*
6 *information within the component.*

7 *“(4) Identify privacy issues related to component*
8 *programs and apply appropriate privacy policies in*
9 *accordance with Federal privacy law and Depart-*
10 *mental policies developed to ensure that the compo-*
11 *nent protects the privacy of individuals affected by its*
12 *activities.*

13 *“(5) Monitor the component’s compliance with*
14 *all applicable Federal privacy laws and regulations,*
15 *implement corrective, remedial, and preventive ac-*
16 *tions and notify the senior official appointed under*
17 *section 222 of privacy issues or non-compliance,*
18 *whenever necessary.*

19 *“(6) Ensure that personal information contained*
20 *in Privacy Act systems of records is handled in full*
21 *compliance with section 552a of title 5, United States*
22 *Code.*

23 *“(7) Assist in drafting and reviewing privacy*
24 *impact assessments, privacy threshold assessments,*
25 *and system of records notices, in conjunction with*

1 *and under the direction of the senior official ap-*
2 *pointed under section 222, for any new or substan-*
3 *tially changed program or technology that collects,*
4 *maintains, or disseminates personally identifiable in-*
5 *formation within the official's component.*

6 “(8) *Assist in drafting and reviewing privacy*
7 *impact assessments, privacy threshold assessments,*
8 *and system of records notices in conjunction with and*
9 *under the direction of the senior official appointed*
10 *under section 222, for proposed rulemakings and reg-*
11 *ulations within the component.*

12 “(9) *Conduct supervision of programs, regula-*
13 *tions, policies, procedures, or guidelines to ensure the*
14 *component's protection of privacy and, as necessary,*
15 *promulgate guidelines and conduct oversight to ensure*
16 *the protection of privacy.*

17 “(10) *Implement and monitor privacy training*
18 *for component employees and contractors in coordina-*
19 *tion with the senior official appointed under section*
20 *222.*

21 “(11) *Provide the senior official appointed under*
22 *section 222 with written materials and information*
23 *regarding the relevant activities of the component, in-*
24 *cluding privacy violations and abuse, that are needed*
25 *by the senior official to successfully prepare the re-*

1 *ports the senior official submits to Congress and pre-*
 2 *pare on behalf of the Department.*

3 *“(12) Any other responsibilities assigned by the*
 4 *Secretary or the senior official appointed under sec-*
 5 *tion 222.*

6 *“(c) ROLE OF COMPONENT HEADS.—The head of a*
 7 *component identified in subsection (a)(2) shall ensure that*
 8 *the privacy official designated under subsection (a) for that*
 9 *component—*

10 *“(1) has the information, material, and resources*
 11 *necessary to fulfill the responsibilities of such official*
 12 *under this section;*

13 *“(2) is advised of proposed policy changes and*
 14 *the development of new programs, rules, regulations,*
 15 *procedures, or guidelines during the planning stage*
 16 *and is included in the decision-making process; and*

17 *“(3) is given access to material and personnel*
 18 *the privacy official deems necessary to carry out the*
 19 *official’s responsibilities.*

20 *“(d) LIMITATION.—Nothing in this section shall be*
 21 *considered to abrogate the role and responsibilities of the*
 22 *senior official appointed under section 222.”.*

23 *(b) CLERICAL AMENDMENT.—The table of contents in*
 24 *section 1(b) of such Act is amended by inserting after the*
 25 *item related to section 222 the following new item:*

“Sec. 222A. Privacy officials.”.

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